

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A JUDGE, NO. 01-244
(Judge Charles W. Cope)

Case No. SC01-2670

**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S
MOTION TO STRIKE AFFIDAVIT OF LINDSAY COLTON**

Through its undersigned counsel, the Florida Judicial Qualifications Commission (the "Commission") hereby moves to strike the Affidavit of Lindsay Colton attached to Judge Cope's Motion to Strike or Alternatively Response to Untimely Motion for Costs and states:

1. This affidavit bears no relationship to any issue before this Court. Lindsay Colton was Judge Cope's investigator. In her affidavit, she alleges that she spoke with a former boyfriend of the alleged victim and that he allegedly told her several details about the alleged victim, her family, and himself. This boyfriend, however, was not an actual or potential witness to any of the charges in this case. Nor do the details alleged by Ms. Colton have anything to do with any issue in this case.

2. This affidavit is scandalous and can only have one result – the public embarrassment of the alleged victim, her family, the former boyfriend, and his family. Not only are the allegations embarrassing, they are leveled in a public proceeding in which the victims of the allegations have no way to respond to defend themselves and which arguably provides Judge Cope and Ms. Colton with a judicial privilege against civil liability. In short, it is a five-page attempt to assassinate their character in a public forum by leveling allegations of the most explicit details of their personal lives and those of their family members. This Court should not allow Judge Cope to so abuse

its process.

WHEREFORE, this Court should strike the Affidavit of Lindsay Colton attached as Exhibit C to Judge Cope's Motion to Strike or Alternatively Response to Untimely Motion for Costs.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and regular U.S. mail to: **Robert W. Merkle, Jr., Esq.**, Counsel for Respondent, 5510 W. La Salle Street, #300, Tampa, Florida 33607-1713; **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Ave., Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32301; and **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303, this ___ day of November, 2002.

By: _____

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